

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JUNE 16, 2003 AT 1:30 P.M.**

The Meeting was called to order at 1:36 p.m. Present: Council Chairperson Camp; Council Members: Cook, Friendt, McRoy, Newman, Svoboda, Teresa Meier, Deputy City Clerk. Absent: Werner.

Council Chair asked all present to stand and recite the Pledge of Allegiance and reflect for a moment of silent meditation.

READING OF THE MINUTES

NEWMAN Having been appointed to read the minutes of the City Council proceedings of June 9, 2003, reported having done so, found same correct.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

PUBLIC HEARING

APPLICATION OF HAVELOCK BUSINESS ASSOCIATION TO EXPAND THEIR PREVIOUSLY APPROVED SPECIAL DESIGNATED LIQUOR LICENSE (RESOLUTION NO. A-82108 ADOPTED JUNE 2, 2003) TO INCLUDE MISTY'S RESTAURANT PARKING LOT AREA MEASURING APPROXIMATELY 100' BY 130' IMMEDIATELY ADJACENT TO THE WEST ON JUNE 21, 2003 FROM 4:00 P.M. TO 1:30 A.M. ON PROPERTY GENERALLY LOCATED AT 63RD STREET AND HAVELOCK AVE. - Tammie Spence, 6140 Havelock, came forward to answer any questions.

This matter was taken under advisement.

APPLICATION OF SUMMIT PROPERTIES, L.L.C. DBA SIDELINES DELI FOR A CLASS J LIQUOR LICENSE AT 1000 SAUNDERS AVE.;
MANAGER APPLICATION OF MARK BROUILLETTE FOR SUMMIT PROPERTIES, L.L.C. DBA SIDELINES DELI AT 1000 SAUNDERS AVE. - Mark Brouillette, 4022 D Street, took oath and came forward and stated he was the manager of Sidelines Deli on Saunders Avenue and asked if there were any questions.

This matter was taken under advisement.

APPLICATION OF METTLEN, INC. DBA JAX FOR A CLASS C LIQUOR LICENSE AT 2711 SOUTH 48TH STREET;
MANAGER APPLICATION OF EUGENE PODOLAK FOR METTLEN, INC. DBA JAX AT 2711 SOUTH 48TH STREET - Eugene Podolak, 5201 Topaz Ct., took oath and stated he had managed Jack's off-sale at S. 48th a neighborhood bar. He has taken the RHC class and he will be the manager on duty.

This matter was taken under advisement.

APPROVING A LEASE/PURCHASE BETWEEN THE CITY AND THE LOWEST SUCCESSFUL BIDDER FOR A PORTABLE VIDEO MESSAGE BOARD AT PERSHING AUDITORIUM. (REQUEST 2ND & 3RD READINGS 6/16/03) - Tom Lorenz, General Manager of Pershing Auditorium, stated there were five bidders for the lease/purchase of a 9 x 12 video screen. He stated that Krogman & Associates received the bid.

Glenn Friendt, Council Member, asked if this sign would be used inside.

Mr. Lorenz stated it would be used inside and outside.

Jon Camp, Council Member, asked if they rented the sign last year.

Mr. Lorenz answered that it cost \$15,000 last year. He said the proceeds from the USA Roller Sport Event will go towards the new sign.

This matter was taken under advisement.

APPROVING THE FISCAL YEAR 2003 ACTION PLAN: ONE YEAR USE OF FUNDS FOR CONSOLIDATED PLAN FOR HUD ENTITLEMENT PROGRAMS - Wynn Hjermstad, Urban Development, came forward to present the Annual Action Plan which is required by the United States Department of Housing and Development, HUD. This spells out how three different types of funds will be spent; Community Development Block Grant (\$2.1 million), HOME (\$1.2 million) and Emergency Shelter Grant for the homeless (\$75,000). Further explanation followed.

This matter was taken under advisement.

SPECIAL PERMIT 1869B - AMENDING THE KNIGHTS COURT COMMUNITY UNIT PLAN TO REDUCE CERTAIN SIDE YARD SETBACKS FROM 8' TO 5' ON LOTS 11, 12, AND 13,

REGULAR MEETING

June 16, 2003

PAGE 204

BLOCK 1, ON PROPERTY GENERALLY LOCATED AT 60TH AND SOUTH STREETS - Glenn Friendt, Council Member, asked why are these waivers and setbacks appropriate?

Greg Czaplewski, Planning Dept., stated the request to reduce the setbacks to 5' will be consistent with the rest of the C.U.P.

Craig Groat, 4935 Huntington Avenue, stated there was a reason for the required setbacks and they should not be changed.

Gus Ponstingl, Ross Engineering, explained the reason for the request for the waiver was that the owner wants additional space for a fire escape.

This matter was taken under advisement.

SPECIAL PERMIT 2015 - APPLICATION OF NEBRASKA BROADCASTING, L.L.C. TO ERECT A 227' BROADCAST TOWER FOR AM BAND RADIO, WITH A WAIVER OF THE LANDSCAPE SCREENING REQUIREMENTS, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF NORTH 33RD STREET AND GLADSTONE STREET - Bill Frost, 1000 Robert Rd., KLIN TV, came forward to request a waiver of the landscape screening requirements because there will be 120 wires buried in the ground near where the trees were required to be planted. The roots of these trees will grow into the wires & cause damage to the wires & the antennae. There will be 30 trees planted further out on the property for landscape screening. They will not use white strobe lights.

Craig Groat, 4935 Huntington Avenue, came forward to state that he didn't think the root systems themselves would interfere with the guide wires since they are usually grounded in large cement pillars. The trees already on this property need to be preserved.

Ray Hill, Planning Dept., came forward to explain that there are no trees already on this property. It is a modification not a waiver to relocate the trees required. The issue with the interference with the roots of the trees is the buried wires that have to do with the antennae. It has nothing to do with the guide wires.

Annette McRoy asked to see a drawing of the tower and the area it is to be located.

Mr. Frost came forward in rebuttal.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Craig Groat, 4935 Huntington Avenue, came forward to state that he felt the published information in the newspaper does not have the same meaning that the departments intended so the departments should proof them. In reference to Special Permit 2015 the root system isn't the problem it's rodents chewing into the cable. He addressed the Council/Manager form of government again. He stated that 40 cities per year are switching to this form of government.

This matter was taken under advisement.

Mike Morosin, Past President Malone Neighborhood Assoc., 2055 S St., requested again that the City Council take a look at the way valuations are set. He is concerned about the properties in Antelope Valley being considered blighted so it can be bought at a lower price.

This matter was taken under advisement.

**** END OF PUBLIC HEARING ****

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF HAVELOCK BUSINESS ASSOCIATION TO EXPAND THEIR PREVIOUSLY APPROVED SPECIAL DESIGNATED LIQUOR LICENSE (RESOLUTION NO. A-82108 ADOPTED JUNE 2, 2003) TO INCLUDE MISTY'S RESTAURANT PARKING LOT AREA MEASURING APPROXIMATELY 100' BY 130' IMMEDIATELY ADJACENT TO THE WEST ON JUNE 21, 2003 FROM 4:00 P.M. TO 1:30 A.M. ON PROPERTY GENERALLY LOCATED AT 63RD STREET AND HAVELOCK AVE. -CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82143 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Havelock Business Association for an expansion of its previously approved Special Designated License (approved by Resolution No. A-82108 on June 2, 2003) to include the Misty's Restaurant parking lot area measuring approximately 100' by 130' immediately adjacent to the west on property generally located at 63rd Street and Havelock Ave. on June 21, 2003, between the hours of 4:00 p.m. and 1:30 a.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

APPLICATION OF KRAMER ENTERPRISES, INC. DBA LANCASTER'S TO EXPAND ITS CLASS C LIQUOR LICENSE BY AN ADDITION OF A BEER GARDEN AREA MEASURING 19' BY 23' TO THE NORTH ON PROPERTY GENERALLY LOCATED AT 3800 OLD CHENEY ROAD MAKING THE TOTAL LICENSE PREMISES AS AN IRREGULAR SHAPED ONE STORY BUILDING APPROXIMATELY 39' BY 90', PLUS BEER GARDEN 19' BY 23' TO THE NORTH, CHENEY RIDGE SHOPPING CENTER - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82144 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Kramer Enterprises, Inc. dba Lancaster's to expand its licensed premises by the addition of an outside garden area measuring 19' by 23' to the north of the presently licensed premises located at 3800 Old Cheney Road, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

APPLICATION OF SUMMIT PROPERTIES, L.L.C. DBA SIDELINES DELI FOR A CLASS J LIQUOR LICENSE AT 1000 SAUNDERS AVE. - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82145 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Summit Properties, L.L.C. dba Sidelines Deli for a Class "J" liquor license at 1000 Saunders Ave., Lincoln, Nebraska, for the license period ending April 30, 2004, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

MANAGER APPLICATION OF MARK BROUILLETTE FOR SUMMIT PROPERTIES, L.L.C. DBA SIDELINES DELI AT 1000 SAUNDERS AVE. - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

REGULAR MEETING

June 16, 2003

PAGE 206

A-82146 WHEREAS, Summit Properties, L.L.C. dba "Sidelines Deli" located at 1000 Saunders Ave., Lincoln, Nebraska has been approved for a Retail Class "J" liquor license, and now requests that Mark Brouillette be named manager;

WHEREAS, Mark Brouillette appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Mark Brouillette be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

APPLICATION OF METTLEN, INC. DBA JAX FOR A CLASS C LIQUOR LICENSE AT 2711 SOUTH 48TH STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82147 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Mettlen, Inc. dba "Jax" for a Class "C" liquor license at 2711 South 48th Street, Lincoln, Nebraska, for the license period ending October 31, 2003, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

MANAGER APPLICATION OF EUGENE PODOLAK FOR METTLEN, INC. DBA JAX AT 2711 SOUTH 48TH STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82148 WHEREAS, Mettlen, Inc. dba "Jax" located at 2711 South 48th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Eugene Podolak be named manager;

WHEREAS, Eugene Podolak appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Eugene Podolak be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

ORDINANCES - 2ND READING

APPROVING A LEASE/PURCHASE BETWEEN THE CITY AND THE LOWEST SUCCESSFUL BIDDER FOR A PORTABLE VIDEO MESSAGE BOARD AT PERSHING AUDITORIUM. (Request 2nd & 3rd Readings 6/16/03) - PRIOR to reading:

SVOBODA Moved to waive the rules to have 2nd and 3rd reading on this date. Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

CLERK read the following ordinance, introduced by Ken Svoboda, approving a lease/purchase between the City and the lowest successful bidder for a portable video message board at Pershing Auditorium, the second time. (See Council Action under "ORDINANCES - 3RD READING".)

RESOLUTIONS

APPLICATION OF ST. JOHN'S CATHOLIC CHURCH AT 731 SKYWAY ROAD TO CONDUCT A LOTTERY WITHIN THE CITY OF LINCOLN FROM JUNE 21, 2003 THROUGH SEPTEMBER 21, 2003 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82149 WHEREAS, St. John's Church has made application for a permit to conduct a lottery in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code; and

WHEREAS, said application complies with all of the requirements of Section 9.32.030 of the Lincoln Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That, after public hearing duly had as required by Section 9.32.050 of the Lincoln Municipal Code, the City Council does hereby grant a permit to St. John's Church to conduct a lottery in the City of Lincoln in accordance with the application filed by Rev. Lyle M. Johnson. The City Clerk is directed to issue a permit upon the payment by the applicant of the required fee, said permit to be valid only for the specific lotteries described in said application and only for a period of one year from the date of approval of this resolution. Said permit shall be subject to all of the conditions and requirements of Chapter 9.32 of the Lincoln Municipal Code.

BE IT FURTHER RESOLVED that pursuant to Section 9.32.080 of the Lincoln Municipal Code, a tax of 5% is imposed upon the gross proceeds received from the sale of lottery chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each lottery to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Jonathan Cook

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

APPROVING THE FISCAL YEAR 2003 ACTION PLAN: ONE YEAR USE OF FUNDS FOR CONSOLIDATED PLAN FOR HUD ENTITLEMENT PROGRAMS - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82150 WHEREAS, the City of Lincoln, Nebraska, acting by and through the Mayor as the Chief Executive Officer and the City Council as the Legislative body of this City, with full citizen participation with reference thereto and in full compliance with the U.S. Department of Housing and Urban Development requirements, has prepared the City of Lincoln FY 2003 Action Plan: One Year Use of Funds for HUD Entitlement Programs under the provisions of 24 C.F.R., Part 91, et al.; and

WHEREAS, such plan includes the proposed community development activities and community development objectives, all prepared in full compliance with the requirements, instructions, and recommendations contained in the Community Development Block Grant Regulations, HOME Investment Partnerships Act Regulations, and Emergency Shelter Grant Program Regulations; and

WHEREAS, such plan and the items contained therein and each of them appear to be in the best interest of the City of Lincoln, Nebraska; and

WHEREAS, certain assurances must be incorporated into the City of Lincoln's FY 2003 Action Plan, as prescribed in the Community Development Block Grant Regulations, HOME Investment Partnerships Act Regulations, and Emergency Shelter Grant Regulations and 24 C.F.R., Part 91.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the FY 2003 Action Plan, a copy of which is attached hereto, is consistent with the Comprehensive Plan and the Mayor is authorized to submit the FY 2003 Action Plan to the Department of Housing and Urban Development for total grants for Fiscal Year 2003 in the amount of \$3,518,852 (\$2,179,000 CDBG; \$1,264,852 HOME; and \$75,000 Emergency Shelter Grant) under the provisions of Title I of the Housing and Community Development Act of 1974, as amended, Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended, Title IV of Subtitle B of the Stewart B. McKinney Homeless Assistance Act of 1988, as amended, and each and every item included therein is hereby approved. The Mayor and other City officials charged with responsibilities pertinent to the proposed certifications are hereby authorized to execute said certifications for and on behalf of the City

of Lincoln, Nebraska, and the Mayor is hereby authorized and directed to execute said statement for and on behalf of the City of Lincoln, Nebraska, to submit same to the Secretary of Housing and Urban Development, or his designate, in the form and substance as required by the Community Development Block Grant Regulations, HOME Investment Partnerships Act Regulations, and Emergency Shelter Grant Regulations, and to supplement such Action Plan in any way reasonably required by the Department of Housing and Urban Development to expedite approval of the same.

BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska, hereby assures and certifies that it will comply with the regulations, policies, guidelines, and requirements of Federal Management Circulars 74-4 and 74-7 and OMB Circular A-87 and 24 Code of Federal Regulations, Part 85, as they relate to the Action Plan, acceptance and use of Federal funds for the City's federally-assisted programs.

BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska hereby assures and certifies with respect to the FY 2003 Action Plan that:

1. The City will affirmatively further fair housing.
2. The City has in effect and is following a residential anti-displacement and relocation assistance plan.
3. The City will continue to provide a drug-free workplace by:
 - a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - b. Establishing an ongoing drug-free awareness program to inform employees about -
 - i. The dangers of drug abuse in the workplace;
 - ii. The grantee's policy of maintaining a drug-free work-place;
 - iii. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by subparagraph (1);
 - d. Notifying the employee in the statement required by sub-paragraph (a) that, as a condition of employment under the grant, the employee will:
 - i. Abide by the terms of the statement; and
 - ii. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 - e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.ii. from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designed on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
 - f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.ii., with respect to any employee who is so convicted -
 - i. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - ii. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency;
 - g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of subparagraphs a, b, c, d, e, and f.
4. The City will comply with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms if required by that

part. The City further certifies that to the best of the City's knowledge and belief:

a. No federal appropriated funds have been paid or will be paid, by or on behalf of the City, to any person for influencing or attempting to influence any officer or employee of an agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement;

b. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

c. The City will require that the language of paragraph 4 of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

5. The City possesses legal authority under state and local law to make a grant submission and to carry out the proposed community development and housing program for which it is seeking funding in accordance with applicable HUD regulations. By passage of this resolution, the Mayor, as the official representative of the City of Lincoln is hereby authorized to submit the Action Plan, including all the understandings and assurances contained therein. Further the Mayor is hereby directed and authorized to act in connection with the submission of the Action Plan and to provide such additional information as may be required.

6. The housing activities to be undertaken with CDBG, HOME, and ESG funds are consistent with the City's strategic plan.

7. The City will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, as required under 24 C.F.R. § 570.606(b) and Federal implementing regulations; and the requirements in 24 C.F.R. § 570.606(c) governing the residential antidisplacement and relocation assistance plan under Section 104(d) of the Act (including a certification that the grantee is following such a plan); and the relocation requirements of 24 C.F.R. § 570.606(d) governing optional relocation assistance under Section 105(a)(11) of the Act.

8. The City will comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701a) and implementing regulations at 24 CFR Part 135.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assures and certifies with respect to the Community Development Block Grant program portion of the FY 2003 Action Plan that:

1. The City is in full compliance and following a detailed citizen participation plan that satisfies the requirement of 24 CFR § 91.105 and which:

a. Provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used, and provides for participation of residents in low and moderate income neighborhoods as defined by the City;

b. Provides citizens with reasonable and timely access to local meetings, information, and records relating to the City's proposed use of funds, as required by the regulations of the Secretary, and relating to the actual use of funds under the Act;

c. Provides for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals with the level and type of assistance to be determined by the grantee;

d. Provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance, which

hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped;

e. Provides for a timely written answer to written complaints and grievances, within 15 working days where practicable; and

f. Identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate;

2. The City's consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been in accordance with the primary objective of the statute authorizing the CDBG Program, as described in 24 CFR 570.2 and the requirements of 24 CFR Part 91 Subpart C and 24 CFR Part 570.

3. The City is following a current HUD approved consolidated plan.

4. The City has developed its final statement of projected use of funds so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight; (the final statement of projected use of funds may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available); except that the aggregate use of CDBG funds received under Section 106 of the Act and, if applicable, under Section 108 of the Act, during program year 2003 shall principally benefit persons of low and moderate income in a manner that ensures that not less than 70 percent of such funds are used for activities that benefit such persons during such period.

The City will not attempt to recover any capital costs of public improvements assisted in whole or in part with funds provided under Section 106 of the Act or with amounts resulting from a guarantee under Section 108 of the Act by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:

a. Funds received under Section 106 of the Act are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under Title I of the Act; or

b. For purposes of assessing any amount against properties owned and occupied by persons of moderate income, the City certifies to the Secretary that it lacks sufficient funds received under Section 106 of the Act to comply with the requirements of subparagraph (1) above.

5. The City has adopted and is enforcing:

a. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

b. A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

6. The City will conduct and administer the grant in compliance with Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 42 U.S.C. 2000d et seq.), the Fair Housing Act (42 U.S.C. 3601-19), and implementing regulations.

7. The City's notification, inspection, testing and abatement procedures concerning lead-based paint will comply with 24 C.F.R. § 570.608.

8. The City will comply with all applicable law.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assures and certifies with respect to the Emergency Shelter Grant Program portion of the FY 2003 Action Plan that:

1. In the case of assistance involving major rehabilitation or conversion, the City will maintain any building for which assistance is used under the ESG program as a shelter for homeless individuals and families for not less than a 10-year period;

2. In the case of assistance involving rehabilitation less than that covered under paragraph (1), the City will maintain any building for which assistance is used under the ESG program as a shelter for

homeless individuals and families for not less than a three-year period;

3. In the case of assistance involving essential services (including but not limited to employment, health, drug abuse, or education) or maintenance, operation, insurance, utilities and furnishings, the City will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure as long as the same general population is served;

4. Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary;

5. The City will assist homeless individuals in obtaining appropriate supportive services, including permanent housing, medical and mental health treatment, counseling, supervision, and other services essential for achieving independent living, and other Federal, State, local, and private assistance available for such individuals;

6. The City will obtain matching amounts required under 24 C.F.R. §576.71 (redesignated to § 576.51);

7. The City will develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any family violence shelter project except with the written authorization of the person responsible for the operation of that shelter;

8. To the maximum extent practicable, the City will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under this program, in providing services assisted under the program, and in providing services for occupants of facilities assisted under the program; and

9. The City is following a current HUD-approved consolidated plan.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assumes and certifies with respect to the HOME program portion of the FY 2003 Action Plan that:

1. The tenant-based assistance is an essential element of its consolidated plan;

2. The City is using and will use HOME funds for eligible activities and costs, as described in §§ 92.205 through 92.209 of 24 C.F.R., Subtitle A, and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214 of 24 C.F.R. Subtitle A;

3. The before committing funds to a project, the City will evaluate the project in accordance with guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other federal assistance than is necessary to provide affordable housing.

Introduced by Jonathan Cook

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

SPECIAL PERMIT 1869B - AMENDING THE KNIGHTS COURT COMMUNITY UNIT PLAN TO REDUCE CERTAIN SIDE YARD SETBACKS FROM 8' TO 5' ON LOTS 11, 12, AND 13, BLOCK 1, ON PROPERTY GENERALLY LOCATED AT 60TH AND SOUTH STREETS - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82151 WHEREAS, the Knights of Columbus Building Association has submitted an application designated as Special Permit No. 1869B for authority to amend the Knights Court Community Unit Plan to reduce certain side yard setbacks from 8' to 5' on Lots 11, 12, and 13, Block 1, Knights Court Addition on property located at S. 60th Street and South Street, and legally described to wit:

Lots 11, 12, and 13, Block 1, Knights Court Addition, located in the Northwest Quarter of Section 33, Township 10 North, Range 7 East, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this community unit plan will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health,

safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of the Knights of Columbus Building Association, hereinafter referred to as "Permittee," to amend the Knights Court Community Unit Plan to reduce certain side yard setbacks on Lots 11, 12, and 13, Block 1, from 8' to 5', on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the reduction of the setback in the west side yard of Lot 13, the east side yard of Lot 12, and the west side yard of Lot 11, from 8' to 5' within Knights Court Community Unit Plan.

2. Before receiving building permits the construction plans must conform to the approved plans.

3. Before occupying the dwelling units, all development and construction must be completed in conformance with the approved plans.

4. All privately-owned improvements must be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Jonathan Cook

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

SPECIAL PERMIT 2015 - APPLICATION OF NEBRASKA BROADCASTING, L.L.C. TO ERECT A 227' BROADCAST TOWER FOR AM BAND RADIO, WITH A WAIVER OF THE LANDSCAPE SCREENING REQUIREMENTS, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF NORTH 33RD STREET AND GLADSTONE STREET - PRIOR to reading:

SVOBODA Moved to amend Bill no. 03R-150 as follows: 1. On page 1, line 1 delete "Northgate Park, Inc." and insert in lieu thereof Nebraska Broadcasting, L.L.C.; 2. On page 1, line 2, delete the number "1979" and insert in lieu thereof 2015; 3. On page 1, line 2, delete the number "220" and insert in lieu thereof 227; 4. On page 2, line 4, delete the number "220" and insert in lieu thereof 227; On page 2, line 9, delete the number "220" and insert in lieu thereof 227.

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption as amended:

A-82152 WHEREAS, ~~Northgate Park, Inc.~~ Nebraska Broadcasting, L.L.C. has submitted an application designated as Special Permit No. ~~1979~~ 2015 for authority to construct a ~~220~~ 227' tall broadcast tower for AM band radio and a waiver of the landscaping screening requirements on property located northwest of the intersection of North 33rd Street and Gladstone Street, and legally described to wit:

A part of Lot 162 I.T., located in the Southwest Quarter of Section 7, Township 10 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Commencing at the southwest corner of said Lot 162, said corner also being the northwest corner of Outlot "A", Spilker's Addition, and extending thence north 11 degrees 25 minutes 53 seconds east, 631.56 feet to the point of beginning; thence continuing on said bearing 350.00 feet to the northwest corner of said Lot 162; thence along the north line of said Lot 162 south 84 degrees 27 minutes 55 seconds east, 350.00 feet; thence south 11 degrees 25 minutes 53 seconds west, 350.00 feet; thence north 84 degrees 27 minutes 55 seconds west, 350.00 feet to the point of beginning containing 2.80 acres, more or less;

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this broadcast tower will not be adversely affected by granting such a permit; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of ~~Northgate Park, Inc.~~ Nebraska Broadcasting, L.L.C., hereinafter referred to as "Permittee", to construct a ~~220'~~ 227' tall broadcast tower for AM band radio be and the same is hereby granted under the provisions of Section 27.63.150 of the Lincoln Municipal Code upon condition that construction of said broadcast tower be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a ~~220'~~ 227' tall broadcast tower and a waiver to the design standard for landscape screening.
2. Before receiving building permits:
 - a. The Permittee must submit an acceptable plan and five copies.
 - b. The construction plans must conform to the approved plans.
3. Before using the facility, all development and construction must be completed in conformance with the approved plans.
4. All privately-owned improvements must be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee and the Permittee's successors and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Jonathan Cook

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE PUBLIC BUILDING COMMISSION AND DAVID W. SEEVERS AND MARCIE M. SCHARTON FOR THE ACQUISITION OF PROPERTY GENERALLY LOCATED AT 710 S. 8TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82153 WHEREAS, the Public Building Commission has entered into a Real Estate Sales Agreement with David W. Seevers and Marcie M. Scharton, single persons, for the purchase of the north 45 feet of the south 82 feet of the west 11 feet of Lot 5 and north 45 feet of the south 82 feet

of Lot 6, Block 145, Original Plat of the City of Lincoln, Lancaster County, Nebraska, also known as 710 South 8th Street; and

WHEREAS, title to this property will be held in the name of the City of Lincoln, a municipal corporation, and the County of Lancaster, Nebraska, a political subdivision of the State of Nebraska, for the Public Building Commission as authorized by Neb. Rev. Stat. § 13-1304(4); and

WHEREAS, the property shall be used for additional parking for the County and the City which is the same purpose for which the bonds are being issued; and

WHEREAS, the money for this acquisition will come from the parking garage bonds approved and authorized by Ordinance No. 18035, passed by the City Council on July 15, 2002.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, and the Board of County Commissioners of the County of Lancaster, Nebraska that the attached Real Estate Sales Agreement for the acquisition of 710 South 8th Street, with funding for the purchase to come from the parking garage bond fund, is hereby approved.

Introduced by Jonathan Cook

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF MAY 16, TO 31, 2003 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82154 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated June 2, 2003, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED</u>		<u>ALLOWED OR SETTLED</u>
Mr. & Mrs. Irwin Lostroh	\$ 193.25	Teri L. Bullock on behalf of herself and on behalf of her minor child
Centurion Wireless Technologies	1,789.19	Tenia A. Bullock Brown
Earl L. Oltman	100.00	\$1,964.34
Kary See	94.90	Linette Smith 10,032.63

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Jonathan Cook

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

APPROVING THE APPOINTMENT OF JONATHAN COOK TO THE PUBLIC BUILDING COMMISSION TO FULFILL AN UNEXPIRED TERM FOR A TERM EXPIRING AUGUST 1, 2004 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82155 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Jonathan Cook to the Public Building Commission to fill an unexpired term expiring August 1, 2004 is hereby approved.

Introduced by Jonathan Cook

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

SETTING THE HEARING DATE OF MONDAY, JUNE 30, 2003 AT 5:30 P.M. FOR THE APP. OF 1515-23 MARKET STREET INC. DBA "BEST WESTERN AIRPORT INN" FOR A CLASS "C" LIQUOR LICENSE AT 3200 NW 12TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82156 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., June 30, 2003, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St, Lincoln, NE, for the App. of 1515-23 Market

Street, Inc. dba "Best Western Airport Inn" for a Class "C" liquor license at 3200 NW 12th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jonathan Cook

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

SETTING THE HEARING DATE OF MONDAY, JUNE 30, 2003 AT 5:30 P.M. FOR APP. OF PRA, INC. DBA "MISTY'S STEAKHOUSE & BREWERY" AT 200 N. 11TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82157 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., June 30, 2003, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, Ne, for the App. of PRA, Inc. dba "Misty's Steakhouse & Brewery" for a Class C and L liquor license w/catering at 200 N. 11th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jonathan Cook

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

ACCEPTING & APPROVING THE PRELIMINARY PLAT OF PINE LAKE PLAZA FOR NINE RESIDENTIAL LOTS, 12 LOTS FOR OFFICE/COMMERCIAL & THREE OUTLOTS, WITH WAIVERS TO THE REQUIRED INTERSECTION PLATFORMS, NON-RADIAL OR PERPENDICULAR SIDE LOT LINES, RECONSTRUCTION OF PINE LAKE RD. TO URBAN SECTION, TURNING LANE DEPTH, SEWER SYSTEM RUNNING OPPOSITE STREET GRADES & DEEPER THAN STANDARDS, SIDEWALKS, MAXIMUM BLOCK LENGTH, & PEDESTRIAN WAY EASEMENT, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF S. 84TH ST. & HWY. 2. (IN CONNECTION W/03-21, 03-22, 03R-26, 03R-27) (2/3/03 - P.H. CON'T W/ACTION TO 2/10/03) (2/10/03 - PUBLIC HEARING & ACTION DELAYED 2 WKS. TO 2/24/03) (2/24/03 - DELAY ACTION 2 WEEKS TO 3/10/03) (3/10/03 - ACTION DELAYED TO 3/17/03) (3/17/03 - PLACED ON PENDING) (6/9/03 - REMOVED FROM PENDING FOR ACTION 6/16/03) - PRIOR to reading:

COOK Moved to accept Amendment #2 of Bill No. 03R-26 as follows: 1. on page 1, line 8, delete "1.1.2"; 2. on page 1, delete all of line 15; 3. on page 1, line 18, delete the words "along the west side of realigned South 84th Street"; 4. on page 1, after line 20, insert a revision number 5 to the preliminary plat to read as follows: 5. Show driveway access from Lot 34 to Eiger Drive, in lieu of driveway access from Lot 34 to Plaza Court, at a location approximately 100 feet east of the centerline of Plaza Court to the satisfaction of the Public Works and Utilities Department; 5. on page 2, line 9, after the word "waived" insert the following words: to only require the south side of Pine Lake Road to be urbanized by installing curb and gutter to the existing asphalt pavement while removing the drainage ditch and grading and installing sidewalks on the south side of Pine Lake Road from Eastshore Drive to 84th Street."; 6. On page 2, delete lines 16 through 18 inclusive; 7. On page 2 and 3, renumber numbers 5 through 8 of the approved modifications to the subdivision requirements as numbers 4 through 7; 8. On exhibit "A" delete condition 2.9.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Svoboda ; NAYS: None; ABSENT: Werner; ABSTAINING: Newman.

FRIENDT Moved to amend Bill No 03R-26 as follows: 1. In lines 8 and 9, page 1, delete "1.1.4", "1.1.10" and "3.2.10"; 2. delete all of line 16, page 1; 3. Delete all of line 20, page 1 to allow right-in, right-out access to Lot 6, Block 3, from 84th Street.

Seconded by Svoboda & **LOST** by the following vote: AYES: Camp, Svoboda; NAYS: Cook, Friendt, McRoy; ABSENT: Werner; ABSTAINING: Newman. CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption as amended:

A-82159 WHEREAS, Pine Lake Development, L.L.C. has submitted the preliminary plat of **PINE LAKE PLAZA** for acceptance and approval; and WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said preliminary plat and made recommendations as contained in the letter dated November 14, 2002, which is attached hereto as Exhibit "A"; and

WHEREAS, Pine Lake Development, L.L.C. has appealed Condition Nos. 1.1.2, 1.1.4, 1.1.6, 1.1.10, and 3.2.10 contained in Exhibit "A"; and

WHEREAS, said appeal of Conditions Nos. ~~1.1.2~~, 1.1.4, 1.1.6, 1.1.10, and 3.2.10 should be denied.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the preliminary plat of **PINE LAKE PLAZA** located generally northwest of the intersection of South 84th Street and Highway 2 as submitted by Pine Lake Development, L.L.C. be revised as follows:

1. ~~Show an easement to accommodate drainage for detention cell #1.~~
2. Delete the driveway from Lot 6, Block 3, to South 84th Street.
3. Show sidewalks along both sides of Eiger Drive, South 82nd Street and Alcrom Court, ~~along the west side of realigned South 84th Street~~ and provide a pedestrian access from Eastshore Drive to Pine Lake Court onto South 82nd Street.
4. Delete Note #28.
5. Show driveway access from Lot 34 to Eiger Drive, in lieu of driveway access from Lot 34 to Plaza Court, at a location approximately 100 feet east of the centerline of Plaza Court to the satisfaction of the Public Works and Utilities Department.

That the preliminary plat of **PINE LAKE PLAZA**, as revised above is hereby accepted and approved, subject to the terms and conditions set forth in Exhibit "A", which is attached hereto and made a part of this resolution as though fully set forth verbatim.

BE IT FURTHER RESOLVED that the City Council finds that the tract to be subdivided is surrounded by such development or unusual conditions that strict application of the subdivision requirements would result in actual difficulties or substantial hardship and the following modifications to the subdivision requirements are therefore approved:

1. The requirement of Section 26.27.010 that Pine Lake Road be constructed as an urban cross-section including curb and gutter is hereby ~~waived~~. to only require the south side of Pine Lake Road to be urbanized by installing curb and gutter to the existing asphalt pavement while removing the drainage ditch and grading and installing sidewalks on the south side of Pine Lake Road from Eastshore Drive to 84th Street.
2. The requirement of the Urban Street Design Standards that the southbound right turn lane in South 84th Street at Eiger Drive be 250 feet is hereby waived to allow a 150 foot turn lane length.
3. The requirement of § 26.27.020 of the Lincoln Municipal Code that sidewalks be installed along both sides of all streets within the subdivision is hereby waived along the west side of South 84th Street until South 84th Street is realigned.
4. ~~The requirement of § 26.27.020 of the Lincoln Municipal Code that sidewalks be installed along both sides of all streets within the subdivision is hereby waived along the south side of Pine Lake Road.~~
- 4.5. The requirement of Section 26.23.140 of the Lincoln Municipal Code that the side lines of any lot shall be at right angles to the street or radial, if the street is curved, is hereby waived for those lots shown on the preliminary plat which have non-perpendicular or non-radial side lot lines.
- 5.6. The requirement of the Sanitary Sewer Design Standards that sanitary sewer follow street grades and not exceed certain maximum depth are waived to allow sewer lines running opposite street grades and exceeding maximum allowed depth.
- 6.7. The requirement of Section 26.23.130 of the Lincoln Municipal Code that block length shall not exceed 1,320 feet is hereby waived.
- 7.8. The requirement of Section 26.23.120 of the Lincoln Municipal Code that a pedestrian way easement be provided on Block 3 is hereby waived.

Introduced by Ken Svoboda

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Svoboda; NAYS: None; ABSENT: Werner; ABSTAINING: Newman.

USE PERMIT 145 - APP. OF PINE LAKE DEVELOPMENT L.L.C. TO DEVELOP 192,900 SQ. FT. OF OFFICE & COMMERCIAL FLOOR SPACE, WITH A WAIVER OF MINIMUM YARD REQUIREMENTS, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF S. 84TH ST. & HWY. 2. (IN CONNECTION W/03-21, 03-22, 03R-25, 03R-26) (2/03/03 - P.H. CON'T W/ACTION TO 2/10/03) (2/10/03 - PUBLIC HEARING & ACTION DELAYED 2 WKS. TO 2/24/03) (2/24/03 - DELAY ACTION 2 WEEKS TO 3/10/03) (3/17/03 - ACTION DELAYED TO 3/17/03) (3/17/03 - PLACED ON PENDING) (6/9/03 - REMOVED FROM PENDING FOR ACTION

6/16/03) - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82160 WHEREAS, Pine Lake Development, L.L.C. has submitted an application in accordance with Section 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 145 for authority to construct approximately 192,900 square feet of office and commercial space, with a waiver of the minimum yard requirements, on property generally located northwest of the intersection of South 84th Street and Highway 2, and legally described to wit:

A tract of land located in the Northeast Quarter of Section 22, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska and more fully described as follows:

Referring to the northeast corner of said Northeast Quarter; thence north 90 degrees 00 minutes 00 seconds west (an assumed bearing) on the north line of said Northeast Quarter, a distance of 50.00 feet; thence south 00 degrees 49 minutes 15 seconds east, a distance of 33.00 feet to a point on the west right-of-way line of South 84th Street; thence continuing south 00 degrees 49 minutes 15 seconds east on said line, a distance of 357.24 feet to the point of beginning; thence continuing south 00 degrees 49 minutes 15 seconds east on said line, a distance of 419.58 feet; thence south 89 degrees 10 minutes 45 seconds west, a distance of 290.40 feet; thence south 00 degrees 49 minutes 15 seconds east, a distance of 150.00 feet; thence north 89 degrees 10 minutes 45 seconds east, a distance of 290.40 feet to a point on said west right-of-way line; thence south 00 degrees 49 minutes 15 seconds east on said line, a distance of 143.94 feet; thence south 07 degrees 41 minutes 34 seconds west on said line, a distance of 141.50 feet; thence south 04 degrees 54 minutes 04 seconds east on said line, a distance of 71.70 feet; thence south 06 degrees 39 minutes 36 seconds west on said line, a distance of 92.43 feet; thence south 18 degrees 00 minutes 22 seconds west on said line, a distance of 177.89 feet; thence south 71 degrees 59 minutes 18 seconds west, a distance of 41.95 feet; thence north 49 degrees 58 minutes 12 seconds west on the northerly right-of-way line of Highway 2, a distance of 371.21 feet; thence north 63 degrees 29 minutes 11 seconds west on said line, a distance of 323.87 feet; thence north 47 degrees 28 minutes 49 seconds west on said line, a distance of 403.11 feet; thence north 67 degrees 17 minutes 09 seconds west on said line, a distance of 205.00 feet; thence north 49 degrees 22 minutes 04 seconds west on said line, a distance of 602.52 feet; thence north 56 degrees 53 minutes 20 seconds west on said line, a distance of 500.38 feet; thence north 53 degrees 50 minutes 27 seconds east on the southerly right-of-way line of Pine Lake Road, a distance of 168.93 feet; thence north 82 degrees 00 minutes 32 seconds east on said line, a distance of 402.47 feet; thence north 90 degrees 00 minutes 00 seconds east on said line, a distance of 550.68 feet; thence south 00 degrees 14 minutes 46 seconds east, a distance of 142.56 feet; thence north 89 degrees 19 minutes 18 seconds east, a distance of 216.03 feet; thence south 87 degrees 53 minutes 55 seconds east, a distance of 66.08 feet; thence north 89 degrees 19 minutes 18 seconds east, a distance of 198.44 feet; thence south 00 degrees 49 minutes 15 seconds east, a distance of 214.03 feet; thence south 89 degrees 37 minutes 25 seconds east, a distance of 475.07 feet to the point of beginning and containing a calculated area of 34.542 acres more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this office and commercial development will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of

Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Pine Lake Development, L.L.C., hereinafter referred to as "Permittee", to construct approximately 192,900 square feet of office and commercial space on the property legally described above be and the same is hereby granted under the provisions of Section 27.27.080 of the Lincoln Municipal Code upon condition that construction and operation of said office and commercial space be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 192,900 square feet of office/commercial floor area with a waiver of the side yard setback.
2. Before receiving building permits:
 - a. The landscaping must be provided in accordance with the City of Lincoln Design Standards.
 - b. The construction plans must conform to the approved plans.
3. Before occupying the buildings, all development and construction must be completed in conformance with the approved plans.
4. All privately-owned improvements must be permanently maintained by the owner or an appropriately established property owners association approved by the City Attorney.
5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements and similar matters.
6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors and assigns. The building official shall report violations to the City Council which may revoke this use permit or take such other action as may be necessary to gain compliance.
7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of this use permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving this use permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Ken Svoboda

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Svoboda; NAYS: None; ABSENT: Werner; ABSTAINING: Newman.

APPROVING AN ANNEXATION AGREEMENT BETWEEN RIDGE DEVELOPMENT COMPANY AND THE CITY OF LINCOLN OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 46.22 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 56TH STREET AND YANKEE HILL ROAD. (IN CONNECTION W/03-90, 03-91, 03R-142)- PRIOR to reading:

FRIENDT Moved to amend Bill No. 03R-141 in the following manner:

1. Substitute the attached (Substitute No. 2) Big Thompson Creek Conditional Annexation and Zoning Agreement for the Big Thompson Creek Conditional Annexation and Zoning Agreement which is attached to Bill No. 03R-141 marked as Attachment "A".

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Svoboda; NAYS: None; ABSENT: Werner; ABSTAINING: Newman.

CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82161 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Big Thompson Creek Conditional Annexation and Zoning Agreement (Annexation Agreement), which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Ridge Development Company (Owner), outlining certain conditions and understandings between the City and said Owner relating to the annexation of approximately 46.33 acres of property generally located east of 56th Street and one-half mile north of Yankee Hill Road, is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Annexation Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return

one fully executed copy of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the Owner.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Annexation Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the Owner.

Introduced by Ken Svoboda

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Svoboda; NAYS: None; ABSENT: Werner; ABSTAINING: Newman.

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF BIG THOMPSON CREEK CONSISTING OF 158 RESIDENTIAL LOTS AND 4 OUTLOTS WITH WAIVERS TO THE REQUIRED BLOCK LENGTH, PEDESTRIAN EASEMENT WHERE A BLOCK EXCEEDS 1000 FEET, 3% GRADE INTERSECTION APPROACH, SANITARY SEWER FLOW, AND LOT LINES NOT PERPENDICULAR TO RIGHT-OF-WAY LINES ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 56TH STREET AND YANKEE HILL ROAD. (In connection w/03-90, 03-91, 03R-141) - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82162 WHEREAS, Ridge Development Company has submitted the preliminary plat of Big Thompson Creek for acceptance and approval; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said preliminary plat and made recommendations as contained in the letter dated January 23, 2003, which is attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the preliminary plat of Big Thompson Creek, located northeast of the intersection of South 56th Street and Yankee Hill Road as submitted by Ridge Development Company is hereby accepted and approved, subject to the terms and conditions set forth in Exhibit "A", which is attached hereto and made a part of this resolution as though fully set forth verbatim.

BE IT FURTHER RESOLVED that the City Council finds that the tract to be subdivided is surrounded by such development or unusual conditions that strict application of the subdivision requirements would result in actual difficulties or substantial hardship and the following modifications to the subdivision requirements are therefore approved:

1. The requirement of Section 3.6 of the Sanitary Sewer Design Standards that the slope of the sanitary sewer should parallel the slope of the street is waived to permit sanitary sewer flow opposite street grades.

2. The requirement of Section 3.4.3 of the Urban Public Street Design Standards that intersection approaches shall not exceed 3% is waived to allow an intersection approach which exceeds a 3% grade.

3. The requirement of Section 26.23.130(a) of the Lincoln Municipal Code that block length not exceed 1320 between cross streets is waived.

4. The requirement of Section 26.23.125 of the Lincoln Municipal Code that a pedestrian way shall be provided when a block exceeds 1,000 feet is waived for those locations as shown on the preliminary plat which exceed this maximum.

5. The requirement of Section 26.23.140 of the Land Subdivision Ordinance that lots adjacent to a major street not be less than 120 feet deep is waived for Lots 3, 4, and 5, Block 1.

6. The requirement of Section 26.23.140 of the Land Subdivision Ordinance that lot lines be at right angles to the street is waived for those lots as shown on the preliminary plat which are not perpendicular to the street.

Introduced by Ken Svoboda

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Svoboda; NAYS: None; ABSENT: Werner; ABSTAINING: Newman.

PETITIONS & COMMUNICATIONS

FORMAL PETITION FOR ORNAMENTAL LIGHTING DISTRICT #286 AT 27TH STREET TO 20TH STREET, VAN DORN STREET TO HIGH STREET SUBMITTED BY LEIGH ANNE HAEFLE, KURT AND KRISTIN WULSER, SALINDA AND RICHARD THOMPSON, CHERYL CULLUM AND MEGHAN TIMMING, RYAN SAILER AND CONNIE N. AND DAVID T. DUNCAN - CLERK presented said petition which was referred to the Law Dept.

REGULAR MEETING
June 16, 2003
PAGE 220

THE FOLLOWING WERE REFERRED TO PLANNING DEPT.:

Pre-existing Use Permit/Special Permit 10a - App. of East Park Plaza to amend the site plan to reflect right-of-way acquisition.
Special Permit 2024 - App. of AT&T Wireless to construct a telecommunication tower at 6000 A Street.
Change of Zone 3411 - App. of Eiger Corporation to change from AG & AGR to B-5 at South of Highway 2, 84th Street to 91st Street.
Use Permit 150 - App. of Eiger Corporation for Phase II of Appian Way Regional Development.

APP. OF NEBRASKA CHILDREN'S HOME SOCIETY FOUNDATION TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN. (NEED MOTION TO SET HEARING DATE OF 6/23/03 AT 1:30 P.M.) - CLERK requested a motion to set a hearing date of 6/23/03 at 1:30 p.m.

FRIENDT So moved.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

REPORT OF UNL MICROBIOLOGIST FOR WATER TESTING FOR THE MONTH OF MAY, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk. (35-01)

REPORTS OF CITY OFFICERS

INVESTMENT OF FUNDS FOR THE WEEK OF JUNE 2 THROUGH JUNE 6, 2003 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82158 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Jonathan Cook

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON JUNE 9, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk.

ACCEPTING THE ASSESSMENT RESOLUTIONS FOR SPECIAL ASSESSMENT GROUP I, BOARD OF EQUALIZATION MEETING TO BE HELD MONDAY, JUNE 23, 2003 AT 10:00 A.M. - CLERK requested a motion to approve the meeting date of Monday, June 23, 2003 at 10:00 a.m.

COOK So moved.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION SPECIAL ASSESSMENT GROUP I TO BE HELD ON MONDAY, JUNE 23, 2003, 10:00 A.M. - CLERK presented said report which was placed on file in the Office of the City Clerk.

ORDINANCES - 1ST READING - NONE

ORDINANCES - 3RD READING

AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE RELATING TO LEAVES OF ABSENCE WITHOUT PAY TO REFLECT CURRENT PROCEDURES AND TO DISABILITY RETIREMENT TO MAKE THE PROVISIONS CONSISTENT WITH THE AMERITAS PLAN DOCUMENT - CLERK read the following ordinance, introduced by Annette McRoy, amending Chapter 2.76 of the Lincoln Municipal Code relating to leaves of absence without pay to reflect current procedures and to disability retirement to make the provisions consistent with the Ameritas plan document, the third time.

MCROY Moved to pass the ordinance as read.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

The ordinance, being numbered **#18191**, is recorded in Ordinance Book 25, Page

AMENDING ORDINANCE NO. 18048 RELATING TO PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER E BY AMENDING THE PAY RANGE FOR THE JOB CLASSIFICATION OF EXECUTIVE SECRETARY - CLERK read the following ordinance, introduced by Annette McRoy, amending ordinance no. 18048 relating to pay schedules of employees whose classifications are assigned to the pay range prefixed by the letter E by amending the pay range for the job classification of Executive Secretary, the third time.

MCROY Moved to pass the ordinance as read.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

The ordinance, being numbered **#18192**, is recorded in Ordinance Book 25, Page

AMENDING ORDINANCE 18047 RELATING TO THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER A BY CREATING THE JOB CLASSIFICATION OF ASSISTANT SANITARY ENGINEER AND DELETING THE JOB CLASSIFICATIONS OF PROGRAM SUPERVISOR, ASST. CHIEF - DIVISION OF ENVIRONMENTAL HEALTH, AND STAFF DEVELOPMENT COORDINATOR - CLERK read the following ordinance, introduced by Annette McRoy, amending Ordinance 18047 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter A by creating the job classification of assistant sanitary engineer and deleting the job classifications of Program Supervisor, Asst. Chief - Division of Environmental Health, and Staff Development Coordinator, the third time.

MCROY Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

The ordinance, being numbered **#18193**, is recorded in Ordinance Book 25, Page

APPROVING THE AMENDED AND RESTATED PLAN DOCUMENT FOR THE 457 DEFERRED COMPENSATION PLAN WITH AMERITAS, AS REVISED FOR IRS COMPLIANCE - CLERK read the following ordinance, introduced by Annette McRoy, approving the amended and restated plan document for the 457 deferred compensation plan with Ameritas, as revised for IRS compliance, the third time.

MCROY Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

The ordinance, being numbered **#18194**, is recorded in Ordinance Book 25, Page

REPEALING ORDINANCE NO. 17993 WHICH CREATED RE-PAVING DISTRICT NO. 154 IN SAUNDERS AVE., 12TH ST. TO 14TH STREET - CLERK read the following ordinance, introduced by Annette McRoy, repealing Ordinance No. 17993 which created re-paving district no. 154 in Saunders Ave., 12th St. to 14th Street, the third time.

MCROY Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

The ordinance, being numbered **#18195**, is recorded in Ordinance Book 25, Page

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROX. 39.9 ACRES OF PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF S. 84TH ST. & HWY. 2. (IN CONNECTION W/03-22, 03R-25, 03R-26, 03R-27) (2/03/03 - P.H. CON'T. W/3RD READING ON 2/10/03) (2/10/03 - PUBLIC HEARING & ACTION DELAYED 2 WKS. TO 2/24/03) (2/24/03 - DELAY ACTION 2 WEEKS TO 3/10/03) (3/10/03 - ACTION DELAYED TO 3/17/03) (3/17/03 - PLACED ON PENDING) (6/9/03 - REMOVED FROM PENDING FOR ACTION 6/16/03) - PRIOR to reading:

COOK Moved to accept a substitute ordinance.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

CLERK read an ordinance, introduced by Jonathan Cook, amending Section 10 of Ordinance No. 8730, passed May 17, 1965, as last amended by Section 1 of Ordinance No. 18145, passed March 10, 2003, prescribing and defining the corporate limits of the City of Lincoln, Nebraska; and repealing Section

REGULAR MEETING

June 16, 2003

PAGE 222

10 of Ordinance No. 8730 passed May 17, 1965, as last amended by Section 1 of Ordinance No. 18145, passed March 10, 2003, as hitherto existing, the third time.

MCROY Moved to pass the ordinance as read.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Svoboda; NAYS: None; ABSENT: Werner; ABSTAINING: Newman.

The ordinance, being numbered **#18196**, is recorded in Ordinance Book 25, Page

CHANGE OF ZONE 3373 - APP. OF PINE LAKE DEVELOPMENT, L.L.C. FOR A CHANGE FROM AGR AGRICULTURAL RESIDENTIAL TO R-3 RESIDENTIAL & O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF S. 84TH ST. & HIGHWAY 2. (IN CONNECTION W/03-21, 03R-25, 03R-26, 03R-27) (2/03/03 - P.H. CON'T W/3RD READING ON 2/10/03) (2/10/03 - PUBLIC HEARING & ACTION DELAYED 2 WKS. TO 2/24/03) (2/24/03 - DELAY ACTION 2 WEEKS TO 3/10/03) (3/10/03 - ACTION DELAYED TO 3/17/03) (3/17/03 - PLACED ON PENDING) (6/9/03 - REMOVED FROM PENDING FOR ACTION 6/16/03) - CLERK read an ordinance, introduced by Glenn Friendt for Coleen Seng, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

FRIENDT Moved to pass the ordinance as read.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Svoboda; NAYS: None; ABSENT: Werner; ABSTAINING: Newman.

The ordinance, being numbered **#18197**, is recorded in Ordinance Book 25, Page

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 46.22 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 56TH STREET AND YANKEE HILL ROAD. (In connection w/03-91, 03R-141, 03R-142) - CLERK read the following ordinance, introduced by Ken Svoboda, amending the corporate limits of the city by annexing approximately 46.22 acres of property generally located northeast of the intersection of South 56th Street and Yankee Hill Road, the third time.

SVOBODA Moved to pass the ordinance as read.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Svoboda; NAYS: None; ABSENT: Werner; ABSTAINING: Newman.

The ordinance, being numbered **#18198**, is recorded in Ordinance Book 25, Page

CHANGE OF ZONE 3362 - APPLICATION OF RIDGE DEVELOPMENT COMPANY FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 56TH STREET AND YANKEE HILL ROAD. (In connection w/03-90, 03R-141, 03R-142) - CLERK read the following ordinance, introduced by Annette McRoy, for a change of zone 3362, the application of Ridge Development Company for a change of zone from AG Agricultural to R-3 Residential on property generally located northeast of the intersection of South 56th Street and Yankee Hill Road, the third time.

MCROY Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Svoboda; NAYS: None; ABSENT: Werner; ABSTAINING: Newman.

The ordinance, being numbered **#18199**, is recorded in Ordinance Book 25, Page

APPROVING A LEASE/PURCHASE BETWEEN THE CITY AND THE LOWEST SUCCESSFUL BIDDER FOR A PORTABLE VIDEO MESSAGE BOARD AT PERSHING AUDITORIUM. (Request 2nd & 3rd Readings 6/16/03) - PRIOR to reading:

SVOBODA Moved to waive the rules to have 2nd and 3rd reading on this date. Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

NEWMAN Moved to amend Bill No. 03-94 as follows: 1. On line 1, after the word "ORDINANCE" delete the word "accepting" and insert in lieu thereof the word authorizing. 2. On line 5, after the words "That the", insert the following language: Mayor is hereby authorized to negotiate and enter into a five to ten year; 3. On line 6, after the word "bidder", insert the following language: in the best interests of the City; 4. On line 7, after the words, "set forth", insert the words and agreed to.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

CLERK read the following ordinance, introduced by Ken Svoboda, approving a lease/purchase between the City and the lowest successful bidder for a portable video message board at Pershing Auditorium, the third time.

SVOBODA Moved to pass the ordinance as read.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

The ordinance, being numbered **#18200**, is recorded in Ordinance Book 25, Page

MISCELLANEOUS BUSINESS

PENDING -

APPLICATION OF DIAN HUA DBA "GOURMET CHINA BUFFET" FOR A CLASS "J" LIQUOR LICENSE AT 5130 NORTH 27TH STREET. (5/5/03 - PLACED ON PENDING, UNTIL APPLICANT INTERVIEWED & POLICE REPORT COMPLETE)- CLERK requested this application be Withdrawn.

SVOBODA So moved.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

The resolution, having been **WITHDRAWN**, was assigned File **#38-4444**, & placed on file in the Office of the City Clerk.

SVOBODA Moved to extend the Pending List to June 23, 2003.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

UPCOMING RESOLUTIONS -

APPOINTING KEN SVOBODA TO THE RAILROAD TRANSPORTATION SAFETY DISTRICT TO FILL THE UNEXPIRED TERM OF COLEEN SENG EXPIRING AUGUST 31, 2003 - PRIOR to reading:

FRIENDT Moved to waive the rules to have reading on this date.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

CLERK read the following resolution, introduced by Jonathan Cook, who moved its

adoption:

A-82163 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Ken Svoboda to the Railroad Transportation Safety District to fill an unexpired term expiring August 31, 2003 is hereby approved.

Introduced by Jonathan Cook

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

SVOBODA Moved to approve the resolutions to have Public Hearing on June 23, 2003.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

ADJOURNMENT

3:16 P.M.

SVOBODA Moved to adjourn the City Council meeting of June 16, 2003.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

So ordered.

Teresa Meier, Deputy City Clerk

Judy Roscoe, Senior Office Assistant